

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	
PRODUCTS LIABILITY LITIGATION)	
)	MDL No. 13-md-2419-RWZ
v.)	
)	
This Document Relates to:)	
)	
All Cases)	

NOTICE OF WITHDRAWAL OF MOTION BY LIBERTY INDUSTRIES, INC.

Defendant, Liberty Industries, Inc., (“Liberty”) hereby withdraws its motion captioned *Defendant Liberty Industries, Inc.’s Motion to Modify Order on Mediation Program* (Dkt. No. 1064) (“Motion”). As grounds therefore, Liberty states that it has reached an agreement with the Plaintiffs’ Steering Committee which obviates the need for the Motion.

WHEREFORE this Court is requested to disregard the Motion because it has been withdrawn.

Respectfully submitted,
LIBERTY INDUSTRIES, INC.,
By its attorneys,

/s/ Peter G. Hermes

Peter G. Hermes, BBO No. 231840
phermes@hermesnetburn.com
Scott S. Spearing, BBO No. 562080
sspearing@hermesnetburn.com
Dianne E. Ricardo, BBO No. 675586
dricardo@hermesnetburn.com
HERMES, NETBURN, O’CONNOR
& SPEARING, P.C.
265 Franklin Street, 7th Floor
Boston, MA 02110
(617) 728-0050 (T)
(617) 728-0052 (F)

Dated: April 10, 2014

CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on April 10, 2014.

/s/ Peter G. Hermes
Peter G. Hermes

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that counsel for Liberty Industries, Inc. conferred with counsel for the Plaintiffs' Steering Committee and it was agreed to withdraw the afore-mentioned motion.

/s/ Peter G. Hermes
Peter G. Hermes

G:\DOCS\DER\Cases\Great American\Liberty Industries\Pleadings & Motions\Modify Mediation Order\Notice of Withdrawal of MTN to Modify Med. Order.docx